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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ELISHA SHEPHERD,  
Plaintiff,  
vs.  
MILTON J. JAKEWAY and the  
UNITED STATES OF AMERICA,  
Defendants.

Case No. 3:01-cv-00333-JKS

**DEFENDANTS' OPPOSITION TO  
THE CROSS MOTION AT  
DOCKET 175**

The United States opposes Elisha Shepard's ("Shepherd's") cross motion on the issue of attorney fees. Shepherd did not ask leave to file her motion. Moreover it is totally unnecessary because the order which will address the Motion at Docket 173 regarding the availability of attorney fees, will address only

an issue of law and not provide any substantive relief for either party.

Should the court entertain the cross motion, the Defendants oppose it on the same grounds stated in its motion and reply at Dockets 173 and 176.

Respectfully submitted October 27, 2006.

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s/ Susan J. Lindquist  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2006,  
a copy of the foregoing **DEFENDANTS' OPPOSITION**  
**TO THE CROSS MOTION AT DOCKET 175** was served electronically  
on Yale H. Metzger, and by U. S. Mail on:

LeRoy E. DeVeaux.  
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s/ Susan J. Lindquist